



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

June 17, 2013

VIA EMAIL AND U.S. MAIL

Kim K. Burke
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, OH 45202-3957

Re: Canton Drop Forge, Inc. Remediation Activities

Dear Mr. Burke:

The United States Environmental Protection Agency thanks Canton Drop Forge, Inc. (CDF) for its May 22, 2013 letter and other information submitted by CDF to the U.S. EPA. The purpose of this letter is to respond CDF's May 22, 2013 letter and to further inform CDF of its obligations generally.

In its May 22, 2013 letter, CDF informed U.S. EPA of its intent to commence remedial activities to address contaminated soils and groundwater at its Canton facility. U.S. EPA understands that for many years CDF used surface impoundments at the facility to store and manage wastewater and used oils. U.S. EPA's January 22, 2013 Notice of Violation (NOV) cites the statutory and regulatory provisions prohibiting facilities from storing or managing used oil in surface impoundments except, *inter alia*, in compliance with a hazardous waste operating permit. See U.S. EPA's January 22, 2013 NOV citing the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901–7001, and implementing regulations as codified in the Code of Federal Regulations (CFR) and the Ohio Administrative Code (OAC).

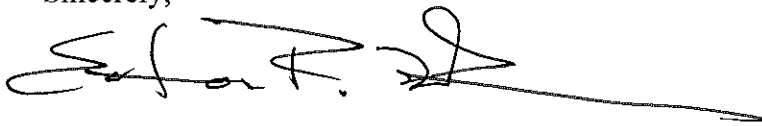
By managing and storing the forge's wastewater and used oil in surface impoundments at the facility, CDF is subject to, *inter alia*, the closure and, potentially, post-closure requirements codified at 40 CFR Part 264 and OAC Chapters 3745-55 and 56.

U.S. EPA appreciates CDF's new and ongoing initiative to remediate contaminated soils and groundwater. CDF should be aware, however, that its current remedial actions will not absolve CDF of its obligations under RCRA and that U.S. EPA may, and reserves the right to, require different and/or additional measures, either in an administrative or civil judicial action under, *inter alia*, Sections 3004, 3005, 3008, 3013 and/or 7003 of RCRA, 42 U.S.C. §§ 6924, 6925, 6928, 6934 and/or 6973.

Finally, CDF should be aware that causing a release or substantial threat of release into the environment of any pollutant or contaminant, or handling solid or hazardous waste, which may present an imminent and substantial danger, regardless of whether such danger arises from remedial activities, may subject CDF to liability and an action under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 6907(a); and/or Section 7003 of RCRA, 42 U.S.C. § 6973.

We appreciate your attention to this matter. If you have any legal questions or if CDF has any technical questions regarding this letter, please do not hesitate to contact, respectively, Eaton Weiler, Office of Regional Counsel, at (312) 886-6041; or Brian Kennedy, Land and Chemicals Division, at (312) 353-4383.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eaton R. Weiler', followed by a long horizontal line extending to the right.

Eaton R. Weiler
Associate Regional Counsel

cc: Karen Nesbit, OEPA – Northeast District Office
(karen.nesbit@epa.state.oh.us)

Sue Kroeger, OEPA
(sue.kroeger@epa.state.oh.us)